

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
Boston Division**

JOHN J. CRONAN,

Plaintiff,

Vs.

CIVIL ACTION NO.: 05-11280-NG

NATIONAL RAILROAD PASSENGER  
CORPORATION,

Defendant,

**PROPOSED JOINT SCHEDULING PLAN  
PURSUANT TO RULE 16(B) AND 26(F)**

**1. Statement of the Case**

This case involves a personal injury brought pursuant to an Act of Congress known as the Federal Employer's Liability Act (FELA), 45 U.S.C., Sec. 51 et seq. John J. Cronan has worked for the defendant from 1976 to present, an electrician

As a result of his job duties, Plaintiff was exposed to occupational risk factors for carpal tunnel syndrome, including but not limited to repetition force, vibration and awkward wrist posture. It is Plaintiff's claim that as a result of the Defendant's negligence, Plaintiff was diagnosed with carpal tunnel syndrome

Defendant failed to provide Plaintiff with a safe work environment under the FELA, specifically, failing to adequately warn Plaintiff of the risks, danger and harm to which he was exposed and to provide a timely

and adequate ergonomic program to prevent occupational carpal tunnel syndrome.

The Defendant denies Plaintiff's claims and further denies that its' alleged negligence was the proximate cause of Plaintiff's injuries.

## 2. Joint Discovery Plan

The attorneys for the parties have reached an agreement for a proposed Pretrial schedule as follows:

- (a) All additional parties shall be joined by September 29, 2005.
- (b) Amendment of pleadings shall be completed by September 29, 2005.
- (c) Parties will exchange initial disclosures by September 29, 2005.
- (d) All fact discovery should be completed by April 28, 2006.
- (e) All experts who may be witnesses for the Plaintiff shall be designated no later than March 28, 2006.
- (f) All experts who may be witnesses for the Defendant shall be designated no later than April 28, 2006.
- (g) All expert discovery shall be completed by May 29, 2006.
- (h) All motions for Summary Judgment to be filed by June 12, 2006.

08/24/2005 08:56 FAX 2154464479

H

004

Thomas J. Joyce, III, Esquire, of Hannon & Joyce, and Michael J. McDevitt, Esquire, of Lawson & Weitzen, LLP, counsel for Plaintiff, and Paul J. Sahovey, Esquire, of the Massachusetts Bay Transportation Authority, counsel for Defendant have conferred concerning the above discovery schedule and expenses.

Counsel for the parties have discussed informally exchanging discovery to reduce the cost of litigation to our clients and agreed to conform to the obligation to limit discovery set forth in F.R.C.P. 26(b). Discovery is expected to include all relevant information including but not limited to Plaintiff's work and medical history as well as Defendant's safety, medical and environmental efforts regarding exposure to ergonomic risk factors for occupational carpal tunnel syndrome.

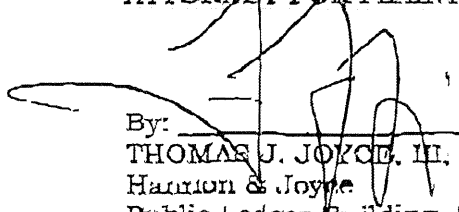
The parties and their respective counsel have conferred regarding settlement.

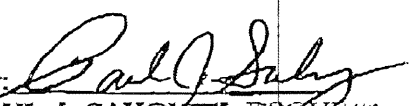
Dated: August 22, 2005

Respectfully submitted,

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

By:   
THOMAS J. JOYCE, III, ESQUIRE  
Hannon & Joyce  
Public Ledger Building, Suite 1000  
150 S. Independence Mall West  
Philadelphia, PA 19106  
214-416 1160

By:   
PAUL J. SAHOVEY, ESQUIRE  
Massachusetts Bay  
Transportation Authority  
Ten Park Plaza  
Boston, MA 02116  
617-773-5500

Received 24-Aug-2005 09:45am

From-2154464479

To-MBTA LAW DEPARTMENT

Page 004

A handwritten signature in black ink, reading "Michael J. McDevitt". The signature is written in a cursive style with a large, stylized "M" and "J".

MICHAEL J. McDEVITT, ESQUIRE  
Lawson & Weitzen, LLP  
88 Black Flacon Avenue, Suite 345  
Boston, MA 02210  
617-439-4990  
Local Counsel for Plaintiff